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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,632	03/04/2002	Amir Sagiv	P-3849-US	7033
27130	7590	10/04/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,632

Applicant(s)

SAGIV ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-18 are pending and have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reduction limitation of each claim is unbounded and thus indefinite. The term "reduce" in claims 12 and 13 is a relative term which renders the claim indefinite. The term "reduce" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application

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filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-11 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gupta** et al. (USPN 6,766,176).

Claim 1

Gupta disclosed a system comprising: a hardware component (*figure 4, element 106 and 104 at least*); and a firmware component coupled to said hardware component and able to establish a noise level in a chip (*column 2, lines 16-20; column 3, lines 65-67*).

Claim 2

Gupta disclosed a system according to claim 1, wherein said noise level is a noise level of a receiver of said chip (*figure 3, element 113*).

Claim 3

Gupta disclosed a system according to claim 1, wherein said noise level is a noise level of a transmitter of said chip (*figure 3, element 115*).

Claim 4

Gupta disclosed a system according to claim 1, wherein said hardware comprises: at least one digital to analog converter (*figure 8, element 412*); at least one comparator able to receive output of said converter (*column 5, lines 34-36, compare noise level to look-up table*); at least one register able to be read by said firmware (*column 2, lines 64-66, read from register in table*); and at least one register able to be written to by said firmware (*column 2, lines 64-66 write to gain circuitry for controlling gain*).

Claim 5

Gupta disclosed a system according to claim 1, wherein said firmware comprises: an approximator (*column 5, lines 34-36, look-up table to approximate*); and a fine tuner able to fine tune the approximation of said approximator (*column 5, lines 43-53, constantly fine tuning the gain*).

Claim 6

Gupta disclosed a method comprising approximating a first noise level in an individual chip (*column 5, lines 34-36, look-up table to approximate*); and fine tuning said first noise level to produce a second noise level (*column 5, lines 43-*

53, constantly fine tuning).

Claim 7

Gupta disclosed a method according to claim 6, wherein said approximating comprises: determining said first noise level according to a hardware result *(column 3, lines 65-67).*

Claim 8

Gupta disclosed a method according to claim 6, wherein said fine tuning comprises: determining said second noise level according to a hardware result *(column 3, lines 65-67).*

Claim 9

Gupta disclosed a method according to claim 6, wherein said approximating comprises: reading from a noise event counter register *(column 2, lines 64-66, read from register in table);* and writing to a noise floor register *(column 2, lines 64-66 write to gain circuitry for controlling gain).*

Claim 10

Gupta disclosed a method according to claim 6, wherein said fine tuning comprises: reading from a noise register *(column 2, lines 64-66, read from register in table);* and writing to a noise floor register *(column 2, lines 64-66*

write to gain circuitry for controlling gain).

Claim 11

Gupta disclosed a method comprising: using a firmware solution to compensate for a hardware problem in a chip of a noise level with a high standard deviation (*column 5, lines 43-53, constant deviation requires constant tuning*).

Claim 14

Gupta disclosed a system comprising: a card (*column 14, lines 50-66, flash, RAM*); and a chip attached to said card, said chip comprising: a hardware component (*figure 6*); and a firmware component coupled to said hardware component and able to establish a noise level in said chip (*column 2, lines 16-20; column 3, lines 65-67*).

Claim 15

Gupta disclosed a system according to claim 14, wherein said noise level is a noise level of a receiver of said chip (*figure 3, element 113*).

Claim 16

Gupta disclosed a system according to claim 14, wherein said noise level is a noise level of a transmitter of said chip (*figure 3, element 115*).

Claim 17

Gupta disclosed a home phone networking system comprising: two or more computers each having a chip comprising: a hardware component; and a firmware component coupled to said hardware component and able to establish a noise level in said chip (*see claim 14, and further column 2, lines 16-32, a phone network*).

Claim 18

Gupta disclosed a system according to claim 17, further comprising: one or more peripheral devices coupled to at least one of said computers (*figure 3, elements 106 and 104*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gupta** et al. (USPN 6,766,176).

Claim 12

Gupta disclosed a method according to claim 11, wherein said firmware solution is able to reduce energy consumption of a chip. Official Notice is taken that it was known at the time of invention to utilize firmware to save energy consumption. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the noise level system of **Gupta** with energy saving firmware. This implementation would have been obvious because one of ordinary skill in the art would be motivated to save energy in an electrical project.

Claim 13

Gupta disclosed a method according to claim 11, wherein said firmware solution is able to reduce a space requirement of a hardware solution. Official Notice is taken that it was known at the time of invention to utilize firmware to save space. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the noise level system of **Gupta** with space saving firmware. This implementation would have been obvious because one of ordinary skill in the art would be motivated to save space a mobile phone.

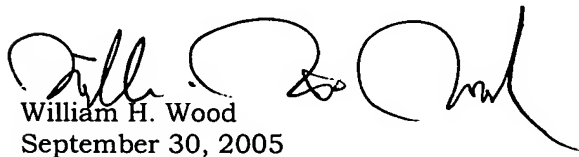
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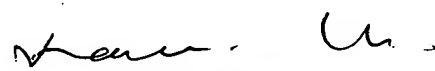
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


William H. Wood
September 30, 2005


KAKALI CHAKI
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